

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|------------------------------|---|------------------------|
| METZ, <i>et al.</i> , |) | CASE NO. 5:05 CV 1510 |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | JUDGE DONALD C. NUGENT |
| |) | |
| UNIZAN BANK, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | <u>ORDER</u> |
| |) | |

On May 1, 2009, this Court granted sanctions requested by Fifth Third Bank against the Intervening Plaintiffs' attorney, Daniel Morris. (ECF #681). Mr. Morris had filed no timely opposition to the request for sanctions. He did, however, file a Motion for reconsideration of the Order granting sanctions on July 7, 2009. (ECF #743). That request was denied. The Court held a hearing to determine the amount of the sanctions to be imposed on July 7, 2009. Fifth Third Bank provided testimony from the billing attorneys on this case and submitted affidavits and written records outlining the time spent by each attorney and the amount billed for attorney time and other fees and costs associated with their motion to dismiss the Intervener's Complaint. Mr. Morris offered no evidence to challenge the actual amount of fees

and costs incurred, or the reasonableness of those charges.¹ The Court finds, based on all the evidence, that fees and costs submitted by Fifth Third's attorneys are reasonable under the circumstances. Sanctions are, therefore, granted in the amount of \$8,702.13 (\$8,552.50 in attorney fees and \$149.63 in costs). IT IS SO ORDERED.

/s/ Donald C. Nugent
Donald C. Nugent
United States District Judge

Date: July 15, 2009

¹

Despite repeated warnings from the Court, Mr. Morris spent his entire argument attempting to attack the underlying basis for the sanctions rather than addressing the reasonableness of the fees incurred. The question of whether or not to impose sanctions was not at issue in the hearing, however. The Court had already granted the request for sanctions, and the request had been without opposition. The hearing was held to address to amount of the sanctions only.